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FACSIMILE TRANSMITTAL SHEET

TO: Examiner Michael F. Peffley

FIRM/COMPANY: Commissioner for Patents

FACSIMILE NUMBER: (703) 872-9306

**CONFIRMATION
TELEPHONE:**

FROM: Ruth Der, Paralegal

DIRECT DIAL: 415.371.2231

DATE: March 24, 2005

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FILE NUMBER: U.S. Serial No. 10/756,178, Atty. Docket No. R0367-00702

TOTAL # OF PAGES: 13
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MESSAGE: Attached are *Information Disclosure Statement* and form *PTO-1449*.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Burbank et al.

Examiner: M. F. Pefley
Group Art Unit: 3736

For: **TISSUE SPECIMEN ISOLATING AND
DAMAGING DEVICE AND METHOD**

TRANSMITTAL

Serial No.: 10/756,178

Filed: January 13, 2004

Atty. Docket No.: R0367-00702

CERTIFICATE OF MAILING PURSUANT TO 37 CFR 1.8

I hereby certify that these papers are being sent by facsimile to (703) 872-9306, addressed to Attn: Michael F. Pefley, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450 on 3/24/2005, in San Francisco, CA.

By: 

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. Transmitted herewith for filing in the above-identified patent application are the following:

X Information Disclosure Statement; and
X Form PTO-1449.

2. Payment of Fees

X Patentees believe that there is no fee due in this communication; however, the Commissioner is authorized to charge any fees which may be required and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367-00702. A duplicate copy of this transmittal is enclosed.

Respectfully,

By: 

Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

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DAMAGING DEVICE AND METHOD**

Serial No.: 10/756,178

Filed: January 13, 2004

Docket No.: R0367-00702

) Examiner: Michael F. Peffley

) Group Art Unit: 3736

) **INFORMATION DISCLOSURE**
) **STATEMENT**

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By: 

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants wish to bring to the attention of the Patent Office the references listed on the attached PTO-1449 form and request that they be considered by the Examiner. The references listed in the attached form were cited in copending U.S. applications Serial No. 09/884,349, Serial No. 09/238,965, Serial No. 09/159,467, Serial No. 09/057,303, Serial No. 09/884,349, Serial No. 09/146,185, and Serial No. 09/208,535. Therefore copies of the listed references are not enclosed herewith.

This information disclosure statement is being filed under 37 C.F.R. §1.97(b)(3), therefore, no fee is due. The Commissioner is authorized to charge any deficiency of fees which may be required and to credit any overpayment under 37 C.F.R. §1.16 and §1.17 to Deposit Account No. 04-1679, referencing Atty. Docket No. R0367-00702.

Respectfully submitted,

By: 

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56, §1.97, and §1.98 PTO-1449 FORM SHEET 1 OF 9				ATTORNEY DOCKET NO.:		SERIAL NO.:	
				R0367-00702		10/756,178	
				APPLICANTS:		EXAMINER:	
		Burbank et al.		Michael F. Peffley			
		FILING DATE:		GROUP ART UNIT:			
		January 13, 2004		3736			

U.S. PATENT DOCUMENTS							
† EX'R INITIAL	REF. #	PATENT NUMBER	DATE (MO/YR)		NAME	U.S. CLASS/ SUBCLASS	FILING DATE (if appropriate)
	*A1	Re. 0,033,925	5/1992		Bales et al.		
	*A2	Re. 0,034,056	9/1992		Lindgren et al.		
	*A3	2,032,860	3/1936		Wappler et al.		
	*A4	2,192,270	3/1940		McGowan		
	*A5	3,805,791	4/1974		Seubert et al.		
	*A6	3,955,578	5/1976		Chamness et al.		
	*A7	4,007,732	2/1997		Kvavle et al.		
	*A8	4,202,338	5/1980		Bitroff		
	*A9	4,243,048	1 /1981		Griffin		
	*A10	4,294,254	10/1981		Chamness		
	*A11	4,311,143	1 /1982		Komiya		
	*A12	4,362,160	12/1982		Hiltebrandt		
	*A13	4,425,908	1/1984		Simon		
	*A14	4,503,855	3/1985		Maslanka		
	*A15	4,565,200	1/1986		Cosman		
	*A16	4,576,162	3/1986		McCorkle		
	*A17	4,592,356	6/1986		Gutierrez		
	*A18	4,611,594	3/2000		Grayhack et al.		
	*A19	4,616,656	10/1986		Nicholson et al.		
	*A20	4,638,802	1/1987		Okada		
	*A21	4,682,606	7/1987		DeCaprio		
	*A22	4,718,419	1/1988		Okada		
	*A23	4,724,836	2/1988		Okada		
	*A24	4,774,948	10/1988		Markham		
	*A25	4,966,583	10/1990		Debbas		
	*A26	4,997,435	3/1991		Demeter		
	*A27	5,007,908	4/1991		Rydell		
	*A28	5,024,617	6/1991		Karpiel		
	*A29	5,035,696	7/1991		Rydell		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56, §1.97, and §1.98 PTO-1449 FORM SHEET 2 OF 9				ATTORNEY DOCKET NO.:		SERIAL NO.:	
				R0367-00702		10/756,178	
				APPLICANTS:		EXAMINER:	
		Burbank et al.		Michael F. Peffley			
		FILING DATE:		GROUP ART UNIT:			
		January 13, 2004		3736			

U.S. PATENT DOCUMENTS CONTD							
† EXR INITIAL	*REF. #	PATENT NUMBER	DATE (MO/YR)		NAME	U.S. CLASS/ SUBCLASS	FILING DATE (If appropriate)
	*A30	5,037,379	8/1991		Clayman et al.		
	*A31	5,047,027	9/1991		Rydell		
	*A32	5,059,197	10/1991		Urie et al.		
	*A33	5,064,424	11/1991		Bitroff		
	*A34	5,088,295	11/1991		Kozak et al.		
	*A35	5,078,716	1/1992		Doll		
	*A36	5,080,660	1/1992		Buelna		
	*A37	5,100,423	3/1992		Feamot		
	*A38	5,111,828	5/1992		Kornberg et al.		
	*A39	5,133,359	7/1992		Kedem		
	*A40	5,147,307	9/1992		Gluck		
	*A41	5,158,084	10/1992		Ghiatas		
	*A42	5,158,581	10/1992		Rydell et al.		
	*A43	5,163,938	11/1992		Kambara et al.		
	*A44	5,192,270	3/1993		Carswell, Jr.		
	*A45	5,196,007	3/1993		Ellman et al.		
	*A46	5,201,732	4/1993		Parins et al.		
	*A47	5,201,741	4/1993		Dulebohn		
	*A48	5,207,686	5/1993		Dolgin		
	*A49	5,215,521	8/1993		Cochran et al.		
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	*A51	5,221,269	8/1993		Miller et al.		
	*A52	5,224,488	7/1993		Neuffer		
	*A53	5,234,426	8/1993		Rank et al.		
	*A54	5,281,218	1/1994		Imran		
	*A55	5,295,990	3/1994		Levin		
	*A56	5,304,176	4/1994		Phillips		
	*A57	5,312,400	5/1994		Bales et al.		
	*A58	5,318,564	6/1994		Eggers		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56, §1.97, and §1.98 PTO-1449 FORM SHEET 3 OF 9	ATTORNEY DOCKET NO.: R0367-00702	SERIAL NO.: 10/756,178
	APPLICANTS: Burbank et al.	EXAMINER: Michael F. Peffley
	FILING DATE: January 13, 2004	GROUP ART UNIT: 3736

U.S. PATENT DOCUMENTS CONTD

† EX'R INITIAL	*REF. #	PATENT NUMBER	DATE (MO/YR)	NAME	U.S. CLASS/ SUBCLASS	FILING DATE (if appropriate)
	*A59	5,323,768	6/1994	Saito et al.		
	*A60	5,324,288	6/1994	Billings et al.		
	*A61	5,335,871	8/1994	Clement		
	*A62	5,337,754	8/1994	Heaven et al.		
	*A63	5,344,420	9/1994	Hilal et al.		
	*A64	5,353,804	10/1994	Komberg et al.		
	*A65	5,374,188	12/1994	Frank et al.		
	*A66	5,376,094	12/1994	Kline		
	*A67	5,380,321	12/1994	Kline		
	*A68	5,395,312	3/1995	Desai		
	*A69	5,401,272	3/1995	Perkins Rodney C.		
	*A70	5,403,310	4/1995	Fisher		
	*A71	5,409,004	4/1995	Sloan		
	*A72	5,415,656	5/1995	Tihon et al.		
	*A73	5,417,687	5/1995	Nardella et al.		
	*A74	5,417,697	5/1995	Wilk et al.		
	*A75	5,423,814	6/1995	Zhu et al.		
	*A76	5,431,649	7/1995	Mulier et al.		
	*A77	5,437,665	8/1995	Munro		
	*A78	5,441,503	8/1995	Considine et al.		
	*A79	5,448,382	9/1995	Dayton		
	*A80	5,462,553	10/1995	Dolgin		
	*A81	5,470,308	11/1995	Edwards et al.		
	*A82	5,477,862	12/1995	Haga		
	*A83	5,484,436	1 /1996	Eggers et al.		
	*A84	5,488,958	2/1996	Topel et al.		
	*A85	5,501,654	3/1996	Failla et al.		
	*A86	5,507,743	4/1996	Edwards et al.		
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56, §1.97, and §1.98 PTO-1449 FORM SHEET 4 OF 9	ATTORNEY DOCKET NO.: R0367-00702	SERIAL NO.: 10/756,178
	APPLICANTS: Burbank et al.	EXAMINER: Michael F. Peffley
	FILING DATE: January 13, 2004	GROUP ART UNIT: 3736

U.S. PATENT DOCUMENTS COTND

† EXR INITIAL	*REF. #	PATENT NUMBER	DATE (MO/YR)	NAME	U.S. CLASS/ SUBCLASS	FILING DATE (if appropriate)
	*A88	5,526,822	6/1996	Burbank et al.		
	*A89	5,527,331	6/1996	Kresch et al.		
	*A90	5,397,320	3/1995	Essig et al.		
	*A91	5,542,948	8/1996	Weaver et al.		
	*A92	5,554,159	9/1996	Fischer		
	*A93	5,578,030	11/1996	Levin		
	*A94	5,578,031	11/96	Wilk et al.		
	*A95	5,599,347	2/1997	Hilal et al.		
	*A96	5,607,389	3/1997	Edwards et al.		
	*A97	5,611,803	3/1997	Heaven et al.		
	*A98	5,643,282	7/1997	Kieturakis		
	*A99	5,649,547	7/1997	Ritchart et al.		
	*A100	5,653,716	8/1997	Yoon		
	*A101	5,665,085	9/1997	Nardella		
	*A102	5,674,184	10/1997	Hassler, Jr.		
	*A103	5,683,384	11/04/97	Gough et al.		
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	*A105	5,700,273	12/1997	Buelna et al.		
	*A106	5,715,825	2/1998	Crowley		
	*A107	5,730,726	3/1998	Klingenstein et al.		
	*A108	5,735,847	04/07/98	Gough et al.		
	*A109	5,741,225	4/1998	Lax et al.		
	*A110	5,743,906	4/1998	Parins et al.		
	*A111	5,749,887	5/1998	Heske et al.		
	*A112	5,752,972	05/19/98	Hoogeboom		
	*A113	5,766,697	5/1998	Jones et al.		
	*A114	5,768,163	6/1998	Mueller et al.		
	*A115	5,769,086	6/1998	Richart et al.		
	*A116	5,769,794	6/1998	Conlan et al.		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56, §1.97, and §1.98 PTO-1449 FORM SHEET 5 OF 9	ATTORNEY DOCKET NO.: R0367-00702	SERIAL NO.: 10/756,178
	APPLICANTS: Burbank et al.	EXAMINER: Michael F. Peffley
	FILING DATE: January 13, 2004	GROUP ART UNIT: 3736

U.S. PATENT DOCUMENTS CONTD

† EXR INITIAL	*REF. #	PATENT NUMBER	DATE (MO/YR)	NAME	U.S. CLASS/ SUBCLASS	FILING DATE (If appropriate)
	*A117	5,772,660	8/1998	Young et al.		
	*A118	5,782,775	7/1998	Milliman et al.		
	*A119	5,788,709	8/1998	Riek et al.		
	*A120	5,794,626	8/1998	Kieturakis		
	*A121	5,795,308	8/1998	Russin		
	*A122	5,797,907	8/1998	Clement		
	*A123	5,800,445	9/1998	Ratcliff et al.		
	*A124	5,810,806	9/1998	Ritchart et al.		
	*A125	5,814,044	9/1998	Hooven		
	*A126	5,817,034	10/1998	Milliman et al.		
	*A127	5,827,388	10/1998	Laufer		
	*A128	5,848,978	12/1998	Cecchi		
	*A129	5,857,981	1/1999	Bucalo et al.		
	*A130	5,857,982	1/1999	Milliman et al.		
	*A131	5,868,740	02/1999	LeVeen et al.		
	*A132	5,902,272	5/1999	Eggers et al.		
	*A133	5,913,857	8/1999	Ritchart et al.		
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	*A136	5,954,670	9/1999	Baker		
	*A137	5,984,919	11/1999	Hilal et al.		
	*A138	6,032,673	3/2000	Savage et al.		
	*A139	6,050,955	4/2000	Bryan et al.		
	*A140	6,142,955	11/2000	Farascioni et al.		
	*A141	6,261,241	7/2001	Burbank et al.		
	*A142	6,280,450	8/2001	McGuckin, Jr.		
	*A143	6,312,429	11/2001	Lubbock et al.		
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56, §1.97, and §1.98 PTO-1449 FORM SHEET 6 OF 9	ATTORNEY DOCKET NO.:	SERIAL NO.:
	R0367-00702	10/756,178
	APPLICANTS:	EXAMINER:
	Burbank et al.	Michael F. Peffley
	FILING DATE:	GROUP ART UNIT:
	January 13, 2004	3736

US PATENT DOCUMENTS CONTD

† EXR INITIAL	*REF. #	PATENT NUMBER	DATE (MO/YR)	NAME	U.S. CLASS/ SUBCLASS	FILING DATE (If appropriate)
	*A145	6,344,028	2/2002	Burbank et al.		
	*A146	6,383,145	5/2002	Worm et al.		
	*A147	6,488,636	12/2002	Bryan et al.		
	*A148	6,497,706	12/2002	Burbank et al.		
	*A149	6,540,893	4/2003	Burbank et al.		
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	*A151	6,638,234	10/2003	Burbank et al.		
	*A152	6,679,851	1/2004	Burbank et al.		
	*A153	6,689,071	2/2004	Burbank et al.		
	*A154	2002/0068879 A1	6/2002	Lubock et al.		
	*A155	2002/0077828 A1	6/2002	Burbank et al.		
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† EXR INITIAL	*REF. #	PATENT NUMBER	DATE (MO/YR)	COUNTRY	TRANSLATION (YES/NO)
	*B1	WO 93 07811A	4/1983	PCT	
	*B2	0 472 368A2	8/1991	EPO	
	*B3	93/13718	7/1993	WO	
	*B4	0 601 709	6/1994	EPO	
	*B5	PCT/GB94/01536	7/1994	WO	
	*B6	PCT/GB94/01537	7/1994	WO	
	*B7	WO 94/27670	12/1994	PCT	
	*B8	95/02370	1/1995	WIPO	
	*B9	95/02371	1/1995	WIPO	
	*B10	95/03843	2/1995	PCT	
	*B11	95/10317	4/1995	PCT	
	*B12	0 667 126	8/1995	EPO	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56, §1.97, and §1.98 PTO-1449 FORM SHEET 7 OF 9	ATTORNEY DOCKET NO.: R0367-00702	SERIAL NO.: 10/756,178
	APPLICANTS: Burbank et al.	EXAMINER: Michael F. Peffley
	FILING DATE: January 13, 2004	GROUP ART UNIT: 3736

FOREIGN PATENT DOCUMENTS CONTD

† EXR INITIAL	*REF. #	PATENT NUMBER	DATE (MO/YR)	COUNTRY	TRANSLATION (YES/NO)	
	*B13	DE 19528440A1	8/1995	Germany		
	*B14	0 769 281	4/1997	EPO		
	*B15	WO 97/13480	4/1997	PCT		
	*B16	WO 97 29702 A	8/1997	PCT		
	*B17	GB 2 311 468 A	10/1997	UK Patent Application		
	*B18	WO 97/35522 A	10/1997	PCT		
	*B19	FR 2 746 628	10/1997	FRANCE		
	*B20	0 797 957	10/1997	EPO		
	*B21	98/06346	2/1998	PCT		
	*B22	98/08441	3/1998	WO		
	*B23	WO 98/24372	6/1998	PCT		
	*B24	EP 0 858 774 A2	8/1998	European Patent Application		
	*B25	PCT/94/27670	12/1998	WIPO		
	*B26	WO 99 04704A	2/1999	PCT		
	*B27	WO 99 44506 A	9/1999	PCT		
	*B28	WO 00/12009	3/2000	WIPO		
	*B29	WO 00/16697	3/2000	PCT		
	*B30	WO 00 44295	8/2000	WIPO		
	*B31	WO 00/74581	12/2000	WIPO		
	*B32	WO 01/05320	1/2001	WIPO		

OTHER DOCUMENTS

† EXR INITIAL	*REF. #	Document Description (including Author, Title, Date, Pertinent Pages, Etc.)
	*C1	Armstrong, J.S. et al., "Differential marking of excision planes in screened breast lesions by organically coloured gelatins [see comments].", <i>Journal of Clinical Pathology</i> , (Jul. 1990), 43(7) 604-7, XP000971447 abstract; tables 1 and 2.
	*C2	F. Burbank, M.D., Stereotactic Breast Biopsy: It's History, Its Present, and Its Future, <i>The American Surgeon</i> , Feb. 1996, Vol. 62, pp. 128-150.
	*C3	English translation of German Application DE 195 28 440 A1, published Aug. 2, 1995.

SF72052.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56, §1.97, and §1.98 PTO-1449 FORM SHEET 8 OF 9		ATTORNEY DOCKET NO.:	SERIAL NO.:
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		APPLICANTS: Burbank et al.	EXAMINER: Michael F. Peffley
		FILING DATE: January 13, 2004	GROUP ART UNIT: 3736
OTHER DOCUMENTS CONTD			
† EX'R INITIAL	*REF. #	Document Description (including Author, Title, Date, Pertinent Pages, Etc.)	
	*C4	Timothy L. Micklos, Percutaneous Biopsy Techniques, <i>Manual of Oncologic Therapeutics</i> (1989/1990), pp. 39-42.	
	*C5	Whitman et al., Coaxial Core Needle Biopsy Under Mammographic Guidance: Indications and Applications, <i>AJR</i> :171, Jul. 1998, pp. 67-70.	
	*C6	International Search Report for PCT, US 99/21416 mailed May 19, 2000.	
	*C7	Written Opinion mailed Jul. 18, 2000, PCT Rule 66, for International Application PCT/US99/21416.	
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	*C11	K. Desinger et al., A New Application System for Simultaneous Laser and Ultrasonic Transmission in Endoscopic Surgery (LUST), surgical applications of Energy, Vol. 33249, p. 94, April 1998.	
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	*C20	Phototherapy of Tumors; by S.G. Brown, M.D.; University College Hospital, London, U.K.; <i>World Journal of Surgery</i> 7, 700-709, 1983.	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56, §1.97, and §1.98 PTO-1449 FORM SHEET 9 OF 9		ATTORNEY DOCKET NO.: <p style="text-align: center;">R0367-00702</p>	SERIAL NO.: <p style="text-align: center;">10/756,178</p>
		APPLICANTS: <p style="text-align: center;">Burbank et al.</p>	EXAMINER: <p style="text-align: center;">Michael F. Peffley</p>
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FOREIGN PATENT DOCUMENTS CONTD		
† EXR INITIAL	*REF. #	Document Description (including Author, Title, Date, Pertinent Pages, Etc.)
	*C22	MR Imaging of Laser-Tissue Interactions; Ferenc A. Jolesz, MD et al.; Magnetic Resonance Imaging: 11/29/1994, pp. 249-253.
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	*C25	Interstitial Laser Hyperthermia in Tumor Therapy; A. Masters and S.G. Brown; Annales Chirurgiae et Gynaecologiae 79: 244-251, 1990.
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EXAMINER'S SIGNATURE	DATE CONSIDERED

† EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609.
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